



CITY OF DULUTH

Planning Division

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Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-049	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	Vacation of Street Easement	Planning Commission Date	May 13, 2014	
Deadline for Action	Application Date	April 15, 2014	60 Days	N/A
	Date Extension Letter Mailed	April 24, 2014	120 Days	N/A
Location of Subject	Roosevelt Avenue and State Street, Pittsburgh Addition to Duluth			
Applicant	Wisconsin Central Ltd.	Contact		
Agent	Linda Armbruster	Contact	linda.armbruster@cn.ca	
Legal Description	Pittsburgh Addition to Duluth			
Site Visit Date	April 29, 2014	Sign Notice Date		
Neighbor Letter Date	April 24, 2014	Number of Letters Sent	3	

Proposal

Applicant is proposing the vacation of a portion of the unimproved Roosevelt Avenue in the Pittsburgh Addition of Duluth Plat located north of Becks Road and east of 108th Avenue West. The platted street portion is 50-feet in width and approximately 19-feet in depth. The proposed vacated portion of Roosevelt Street is adjacent to the existing Wisconsin Central rail line to the south.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Vacant land	Preservation
North	RR-1	Vacant land	Preservation
South	RR-1	Active rail line	Preservation
East	RR-1	Vacant land	Preservation
West	RR-1	Vacant land	Preservation

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #1: Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

Governing Principle #3 - Support traditional economic base. Identified industries includes port operations, transportation services, manufacturing, bulk commodity handling, and related support services. Locational considerations include docks, shipping channels, railroad rights-of-way, Interstate highway and airport.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

1) Applicant is proposing a partial vacation of an unimproved platted street. The portion of the unimproved street to be vacated is approximately 50 feet wide and 19 feet depth. This section of right of way for Roosevelt Avenue is 137 feet in length; the partial vacation will reduce it by 19 feet.

3) The applicant owns the land to the south of the proposed vacated area. The Pittsburgh Addition to Duluth Plat is primarily unimproved lots and right-of-way owned by the City or is tax forfeited property administered by St. Louis County. Primary use of the area today is vacant land, utility and railroad. If the vacation request is granted by the City, the applicant intends to use the area for expansion to the existing railroad activity south of the proposed vacation area.

4) According to the City Engineer there are no utilities located within the street requested to be vacated. Western Lake Superior Sanitary District (WLSSD) maintains a sanitary sewer easement that traverses through the proposed vacated right-of-way. WLSSD has stated that they would like the existing easement for the sanitary sewer line to be maintained.

5) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.

6) Staff believe this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city (as long as an easement is maintained); the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

7) No comments from the public.

8) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation, with the following conditions:

1) A 20 foot easement be maintained for the existing Western Lake Superior Sanitary District sanitary sewer line.

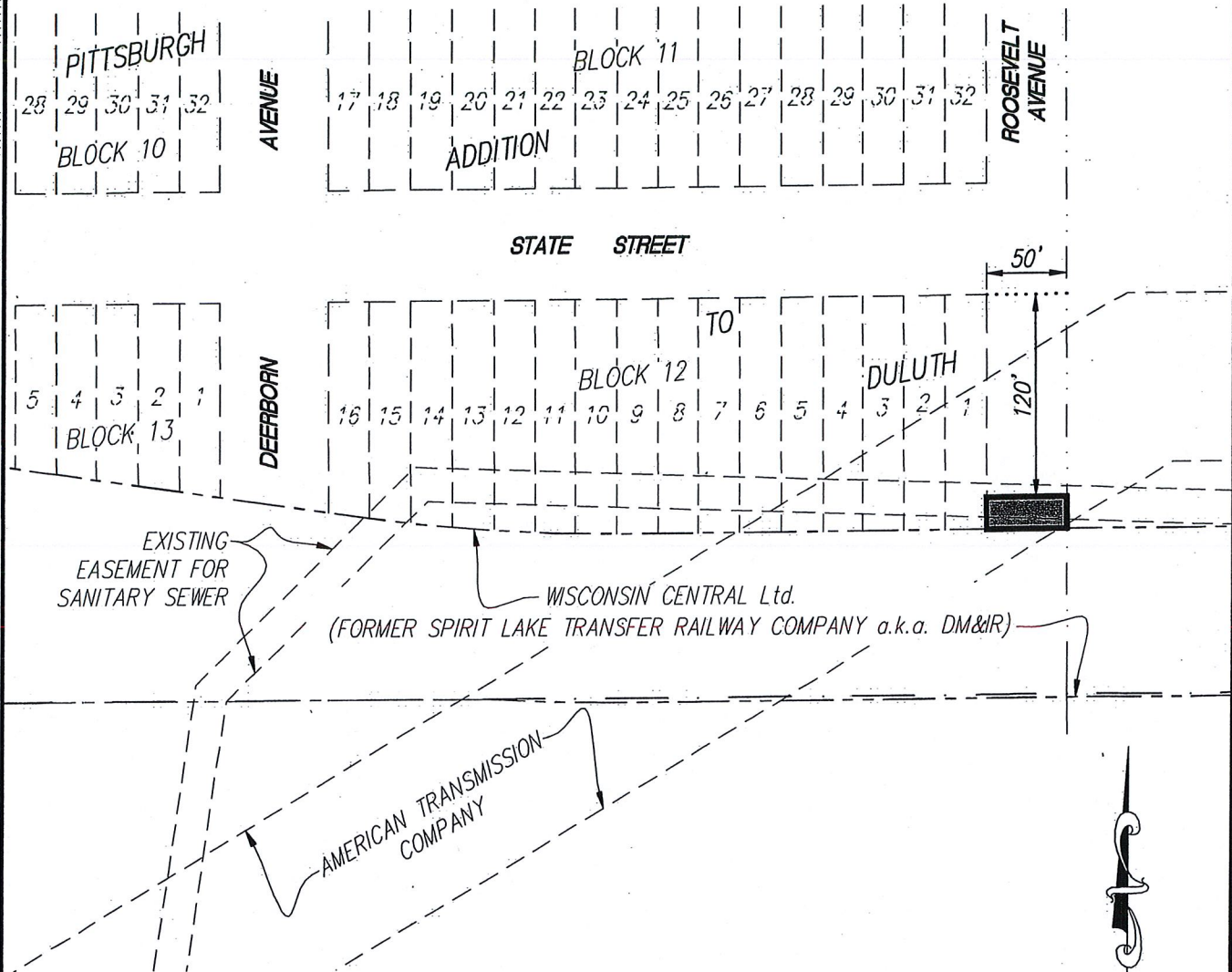
2) Vacation goes into effect after being recorded at the County Recorder's office. Applicant will work with Duluth City Clerk's office if needed to assist in the recording process.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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VACATION EXHIBIT

PITTSBURGH ADDITION TO DULUTH



LEGAL DESCRIPTION:

All that part of Roosevelt Avenue, PITTSBURGH ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota lying south of a line 120.00 feet south of and parallel with the north line of Block Twelve (12), said PITTSBURGH ADDITION TO DULUTH.

0 50 100
(SCALE IN FEET)

Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel

License # 44075

Signature: 

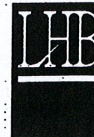
Date: 3/14/2014

DATE PREPARED: 3/14/14

PROJ NO: 140017

FILE: 140017vSurv.

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**

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FILE: .140017600 Drawing\Survey\140017vSurv.dwg

E-3



City Planning

PL 14-049

Vacation CN Roosevelt

FLU Map



Area to vacate

Legend

Future Land Use - Plus

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, January 10, 2013. Source: City of Duluth.



City Planning

PL 14-049

Vacation CN Roosevelt

Zoning Map



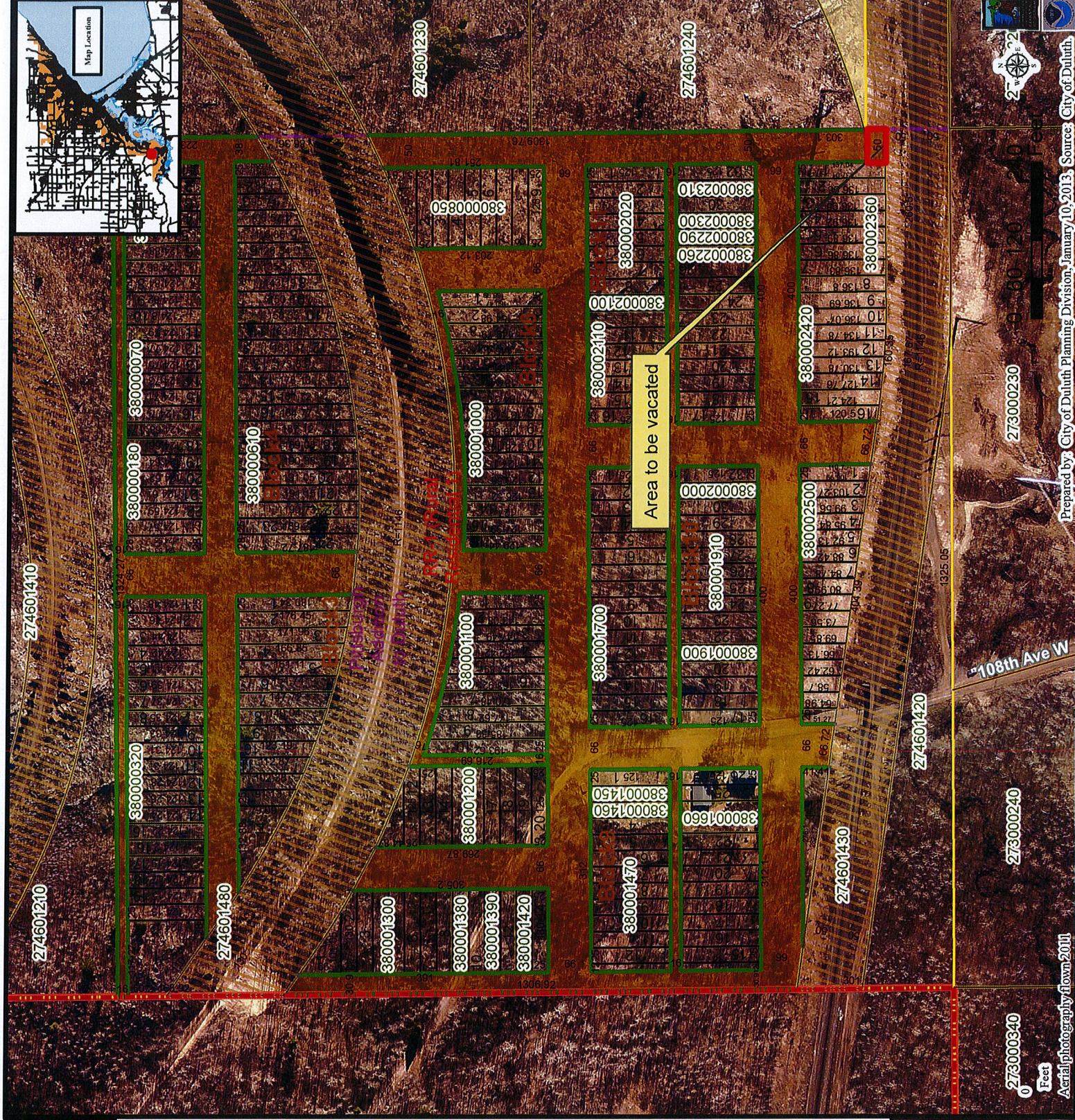
Area to vacate



Zoning-SDE

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Aerial photography flown 2011

Feet

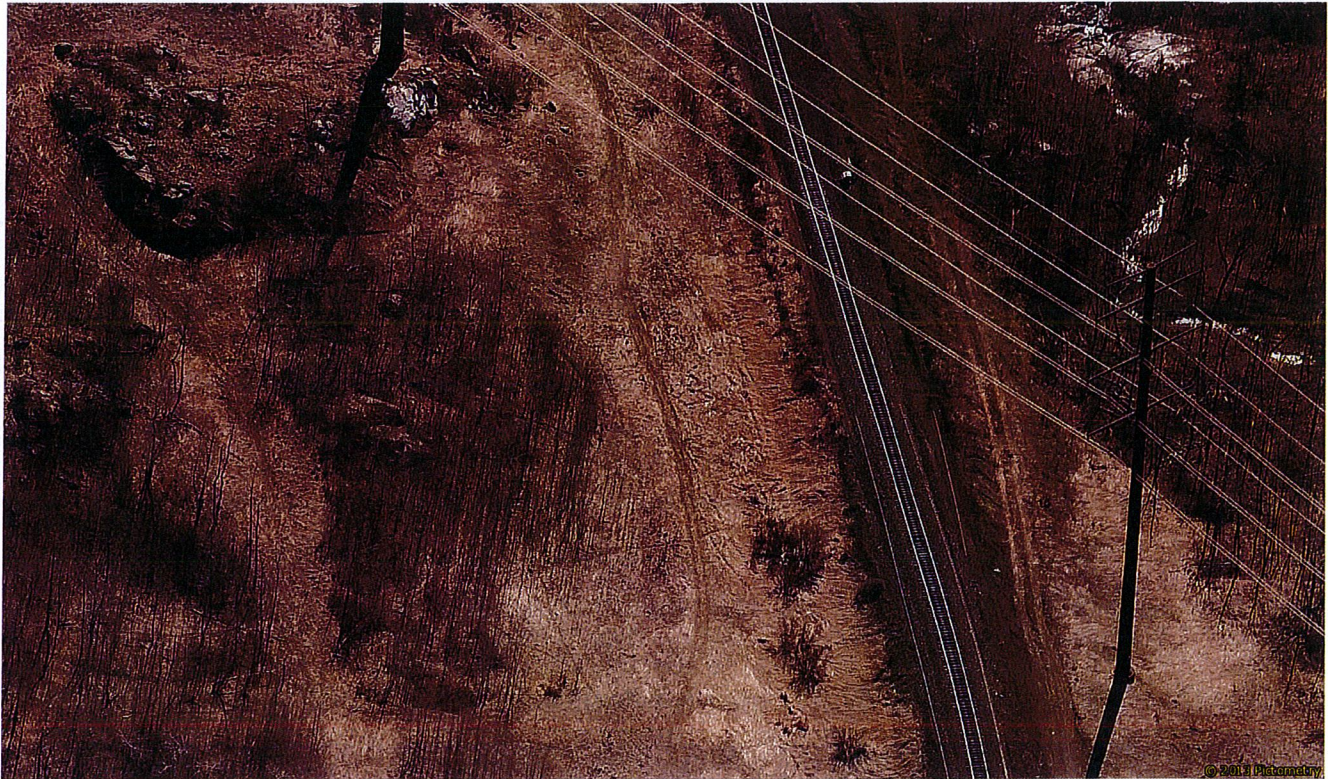
Prepared by: City of Duluth Planning Division, January 10, 2013. Source: City of Duluth.



PL 14-049

Print Date: 05/06/2014
Image Date: 05/12/2013
Level: Neighborhood

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PIC PL 14-049

Print Date: 05/06/2014
Image Date: 05/12/2013
Level: Neighborhood

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